IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 1980 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUMATI ENGINEERING & ALLIED INDUSTRIES - Petitioner(s)
Versus
COMPETENT AUTHORITY AND REGIONAL MANAGER (RECOVERY) & 2 - Respondent(s)

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Appearance :

MR HARIN P RAVAL for Petitioner(s) : 1,
MR NV ANJARIA for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 07/02/2007

ORAL JUDGMENT

1. The subject matter of the petition is the order passed by the competent authority and its

confirmation thereof by the appellate authority under the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

2. When the matter is taken up for hearing, Mr.Anjaria, learned Counsel appearing for the respondent authorities namely; GIDC and its officers, states that as per the order passed in April, 1999, the petitioner has transferred the premises to M/s.Amizara Engg. & Processors Industry and such transfer is also permitted by GIDC. He places on record the copy of the said order passed in April, 1999. Mr.Anjaria further places on record a copy of the undertaking given by the partner of the petitioner, declaring that all Court cases shall be withdrawn and in the said undertaking vide Item No.3, the proceedings of the present petition are also recorded. The said undertaking is signed before the Notary and a copy of the same is produced by Mr.Anjaria.

3. Under the above circumstances, as the property is now transferred under the permission granted by GIDC to M/s.Amizara Engg. & Processors Industry, the order under the Act for eviction

no more continues to remain in operation, and in any case, the petitioner has to withdraw the proceedings. Under the above circumstances, the petition is disposed of as having become infructuous and shall also stand withdrawn accordingly. Rule discharged. I.R., if any, stands vacated.

7.2.2007 **(Jayant Patel, J.)**

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